

**Arraignment of the Defendant
on a Predicate Felony Statement ¹**

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The District Attorney has filed a statement specifying that by judgment entered in the (*specify*) Court, (*specify*) County, on (*specify*), you were convicted of (*specify*). ²

Have you seen and discussed the statement with your lawyer?

Under the law, you may admit that you are the person named in that statement who was convicted of that felony, or you may deny that allegation, or any allegation set forth in that statement, or you may controvert the statement on the ground that the previous conviction was unconstitutionally obtained. Do you understand?

Do you wish to deny any allegation in the statement or to controvert the statement?

Do you admit that you are the person named in that statement who was convicted of that felony?

Based on defendant's admission and the sufficiency of the uncontroverted allegations in the statement, the court finds that the defendant has been subject to (a/two) predicate (violent) felony conviction(s).

1. See CPL 400.15 (Procedure for determining whether defendant is a second violent felony offender); CPL 400.16 (Procedure for determining whether defendant is a persistent violent felony offender); CPL 400.19 (Procedure for determining whether defendant is a second child sexual assault felony offender); CPL 400.20 (Procedure for determining whether defendant should be sentenced as a persistent felony offender).

For example, CPL 400.15 (3) states as follows: "Preliminary examination. The defendant must be given a copy of such statement and the court must ask him whether he wishes to controvert any allegation made therein. If the defendant wishes to controvert any allegation in the statement, he must specify the particular allegation or allegations he wishes to controvert. Uncontroverted allegations in the statement shall be deemed to have been admitted by the defendant."

2. This guideline arraignment is intended to apply to statements reciting a felony conviction in a New York State Court.